

**ENTERED**

September 08, 2016

David J. Bradley, Clerk

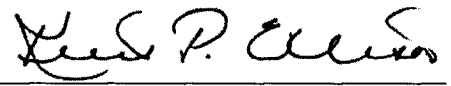
**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION****JORGE RODRIGUEZ, et al,****Plaintiffs,****VS.****BANK OF AMERICA N.A., et al,****Defendants.**§  
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§**CIVIL ACTION NO. 4:16-CV-194****ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court are Defendant AMH Roman Two TX, LLC's ("AMH") Motion to Dismiss and Defendant Bank of America N.A.'s ("Bank of America") Motion to Dismiss (Doc. Nos. 4, 10), which had been referred to Magistrate Judge Dena Hanovice Palermo for a report and recommendation. On August 8, 2016, Judge Palermo issued the Report and Recommendation, recommending that the Motions to Dismiss be granted. The time for filing objections has passed, and no objections were filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error. Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, AMH's Motion to Dismiss and Bank of America's Motion to Dismiss (Doc. Nos. 4, 10) are hereby **GRANTED**. Plaintiffs' claims based on RESPA and breach of contract are **DISMISSED WITH PREJUDICE**. Plaintiffs' claims for attorneys' fees, declaratory judgment, and injunctive relief are **DISMISSED WITHOUT PREJUDICE**. Plaintiffs may amend the Complaint to the extent they can assert any claims other than RESPA or breach of contract.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 8th day of September, 2016.

A handwritten signature in black ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE